

REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and amended as necessary to more clearly and particularly describe and claim the subject matter, which Applicants regard as the invention.

Claims 1, 3, 5–22, and 24–29, and 31 remain in this application. Claims 2, 4, 23, and 30 have been canceled. The Examiner has acknowledged that claims 1, 7–22, and 24–28 are directed to allowable subject matter.

Claims 3, 4, 5/3, 5/4, 6/6, 29, 30, 31/29, and 31/30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pecen *et al.* (U.S. 6,603,825) in view of Shi *et al.* (U.S. 6,507,740). For the following reasons, the rejection is respectfully traversed.

Claims 4 and 30 have been canceled, making their rejections moot.

Claim 3 recites:

a threshold setting means for automatically setting a threshold of an electric field intensity level based on the transmission condition of the received signal, wherein said threshold setting is varied depending on said transmission condition; and

a first controlling means for causing the gain controlling means to start the gain control operation when the electric field intensity detected by the electric field intensity detecting means reaches the threshold of the electric field intensity level.

Claim 29 recites similar limitations.

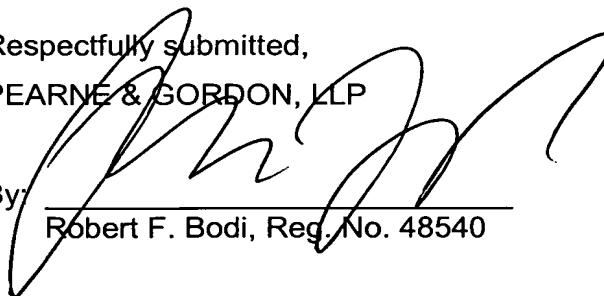
Note that in all of these claims, the threshold is a “gain control” threshold. In particular, it is clear that it is the *gain control* operation is started when the *threshold* is reached. The cited references do not teach or suggest such a gain control threshold. The Examiner cites Shi as teaching the variable set threshold of the claims. However, it

is clear from the Shi reference that the Shi device uses a "dynamic handoff threshold" (col. 3, lines 59–60), which is used to determine when the communication is handed off to a neighboring cell (col. 3, lines 16–65; see also Fig. 7). There is no suggestion of using a dynamic threshold for starting a *gain control operation*, as recited in the claims. Hence, claims 3 and 29 are patentable over the reference. The remaining rejected claims are also patentable over the references at least by their dependency on one of claims 3 or 29.

Furthermore, the Examiner has failed to provide the proper motivation for making the combination. Thus, the Examiner has failed to support a *prima facie* case of obviousness, and thus the rejection should be withdrawn.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 32930.

Respectfully submitted,
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